

REMARKS

This responds to the Office Action dated April 16, 2007.

Claims 1 and 7 are amended, no claims are canceled or added; as a result, claims 1-3, 6-12 and 26-39 are now pending in this application.

Interview Summary

Applicant's representative, Tom Obermark, greatly appreciates the courtesies extended by the Examiner during the phone interview of June 14, 2007. The office action, cited references and claims 1 and 7 were discussed. The Examiner indicated the claims as presented herein distinguished over at least the Nguyen and Scott references.

Applicant respectfully requests that if the presently presented claims do not result in allowance in the next examination, that the Examiner call Applicant's representative at 612-371-2117 to facilitate allowance of the application.

§102 Rejection of the Claims

Claims 1, 2, 6-7, 11-12, 31, 34, 36 and 38-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Spehr et al. (U.S. Patent No. 6,650,921).

Claims 1, 2, 6, 31 and 38

Applicant respectfully traverses the rejections for at least the following reasons. Applicant cannot find in Spehr, for example, an outer electrode disposed over the inner electrode, the outer electrode engaged with at least a portion of the inner electrode outer surface, the conductor distal end is coupled between the inner electrode outer surface and the outer electrode, the outer conductor and inner conductor isolate the conductor distal end from the outer insulative body, and the conductor proximal end is remote from the inner electrode and the outer electrode, as recited in claims 1. Claims 2, 6, 31 and 38 depend from claim 1 and thereby include all of its recitations.

Further, Applicant respectfully submits Spehr states at column 7, lines 51-56 and shows in Figure 7, "the conductor cable 25b is projected through an opening 59 in the [insulating]

sleeve 26 . . . The distal end 50b of the cable 25b is stripped off the sleeve 29 (See Fig. 2) to expose the bare conductor element 27.” Further still, Spehr states at column 8, lines 29-30 and shows in Figure 7, “An outer sleeve 67 surrounds the outer coiled cable 63b.” As stated above, Applicant cannot find in the cited reference, an outer electrode disposed over the inner electrode, the outer electrode engaged with at least a portion of the inner electrode outer surface, the conductor distal end is coupled between the inner electrode outer surface and the outer electrode, the outer conductor and inner conductor isolate the conductor distal end from the outer insulative body, and the conductor proximal end is remote from the inner electrode and the outer electrode, as recited in claims 1.

Reconsideration and allowance of claims 1, 2, 6, 31 and 38 are respectfully requested.

Claims 7, 11-12, 34, 36 and 39

Applicant respectfully traverses the rejections for at least the following reasons. Applicant cannot find in Spehr, for example, an outer electrode disposed over the inner electrode, the outer electrode having an outer surface, the conductor distal end is annularly engaged between the inner electrode outer surface and the outer electrode, and the conductor proximal end extends away from the inner electrode and the outer electrode, as recited in claims 7. Claims 11-12, 34, 36 and 39 depend from claim 7 and thereby include all of its recitations.

Reconsideration and allowance of claims 7, 11-12, 34, 36 and 39 are respectfully requested.

Claims 1, 6, 7, 11, 34, 36, 38 and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nguyen et al. (U.S. Patent No. 6,006,123) or Scott (U.S. Patent No. 5,005,587).

Claims 1, 6 and 38

Applicant respectfully traverses the rejections for at least the following reasons. Applicant cannot find in Nguyen, for example, an inner electrode coupled with the at least one conductor, the inner electrode disposed within the outer insulative body, the inner electrode defined in part by an inner electrode inner surface, an inner electrode outer surface and inner electrode end surfaces, as recited in claim 1. Claims 6 and 38 depend from claim 1 and thereby

include all of its recitations. Instead, Nguyen states at column 5, lines 28-37, “The outer diameter of the very distal end 10 of the catheter shaft 1 is reduced so that a first band electrode 11 is secured onto it . . . the first band electrode 11 has a conducting wire 12 for measuring electrical signal and delivering RF energy.” Further, Applicant cannot find in Nguyen, an outer electrode disposed over the inner electrode, the outer electrode engaged with at least a portion of the inner electrode outer surface, the conductor distal end is coupled between the inner electrode outer surface and the outer electrode, the outer conductor and inner conductor isolate the conductor distal end from the outer insulative body, and the conductor proximal end is remote from the inner electrode and the outer electrode, as recited in claim 1.

Further still, Applicant cannot find in Scott, for example, an outer electrode disposed over the inner electrode, the outer electrode engaged with at least a portion of the inner electrode outer surface, the conductor distal end is coupled between the inner electrode outer surface and the outer electrode, the outer conductor and inner conductor isolate the conductor distal end from the outer insulative body, and the conductor proximal end is remote from the inner electrode and the outer electrode, as recited in claim 1. Claims 6 and 38 depend from claim 1 and thereby include all of its recitations.

Reconsideration and allowance of claims 1, 6 and 38 are respectfully requested.

Claims 7, 11, 34, 36 and 39

Applicant respectfully traverses the rejections for at least the following reasons. Applicant cannot find in Nguyen, for example, an inner electrode coupled with the at least one conductor, the inner electrode defined in part by an inner electrode inner surface, an inner electrode outer surface and inner electrode end surfaces, as recited in claim 7. Claims 11, 34, 36 and 39 depend from claim 7 and thereby include all of its recitations. Instead, as previously recited above, Nguyen states at column 5, lines 28-37, “The outer diameter of the very distal end 10 of the catheter shaft 1 is reduced so that a first band electrode 11 is secured onto it . . . the first band electrode 11 has a conducting wire 12 for measuring electrical signal and delivering RF energy.” Further, Applicant cannot find in Nguyen, an outer electrode disposed over the inner electrode, the outer electrode having an outer surface, the conductor distal end is annularly engaged between the inner electrode outer surface and the outer electrode, and the conductor

proximal end extends away from the inner electrode and the outer electrode, as recited in claim 7.

Further still, Applicant cannot find in Scott or Nguyen, for example, means for electrically and mechanically coupling the outer electrode with the inner electrode without substantially damaging the outer surface of the outer electrode, as recited in claim 7. Claims 11, 34, 36 and 39 depend from claim 7 and thereby include all of its recitations. Applicant respectfully submits claim 7 is a means plus function claim under 35 U.S.C. § 112, paragraph 6. MPEP § 2183 requires the Office Action to make a prima facie case of equivalence under 35 U.S.C. § 112, paragraph 6 including an explanation or a rationale as to why the disclosure of the cited reference is equivalent to the corresponding elements disclosed in the specification. The Office Action has not presented an explanation or a rationale as to why the disclosure of Nguyen or Scott is equivalent to the corresponding elements disclosed in the specification as required by MPEP § 2183. Applicant respectfully submits that Scott or Nguyen do not appear to disclose an equivalent to the corresponding elements disclosed generally in the specification, for instance, Figures 2-7, and the associated written description. For example, Applicant cannot find an explanation or rationale as to why the teaching of the cited references are equivalent to means for electrically and mechanically coupling the outer electrode with the inner electrode without substantially damaging the outer surface of the outer electrode, as recited in claim 7 and described in the application specification.

Reconsideration and allowance of 7, 11, 34, 36 and 39 are respectfully requested.

§103 Rejection of the Claims

Claims 3, 8-10, 26-30, 32-33, 35 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spehr et al. (U.S. Patent No. 6,650,921), Nguyen et al. (U.S. Patent No. 6,006,123) or Scott (U.S. Patent No. 5,005,587).

Applicant respectfully traverses the rejections of claims 3, 8-10, 26-30, 32-33, 35 and 37 for at least the following reason. Claims 3, 26-30 and 32 are allowable at least as dependent claims of patentable base claim 1, and the discussion for claim 1 above is repeated in support of claims 3, 26-30 and 32. Additionally, Applicant respectfully submits, claims 8-10, 33, 35 and 37

are allowable as dependent claims of patentable base claim 7, and the discussion for claim 7 above is repeated in support of claims 8-10, 33, 35 and 37.

Reconsideration and allowance of claims 3, 8-10, 26-30, 32-33, 35 and 37 are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 612-371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

PAUL E. ZAREMBO ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-371-2117

Date

7/16/07

By



Thomas C. Obermark
Reg. No. 55,506

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of July 2007.

Name

KATE GANNON

Signature

Kate Gannon